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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/815,619	04/02/2004	Kia Silverbrook	HYG014US	2058	
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	OOK RESEARCH P	KIM, TAE W			
393 DARLII BALMAIN,			ART UNIT	PAPER NUMBER	
AUSTRALIA			2876		

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applic	ation No.	Applicant(s)			
Office Action Summary		10/81	5,619	SILVERBROOK ET AL.			
		Exami	ner	Art Unit			
		Tae W		2876			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
WHIC - Exter after - If NO - Failur Any r	DRTENED STATUTORY PERIOD F HEVER IS LONGER, FROM THE N sions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this common period for reply is specified above, the maximum state to reply within the set or extended period for reply eply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	IAILING DATE OF of 37 CFR 1.136(a). In n nunication. atutory period will apply a will, by statute, cause the	THIS COMMUNICATIO o event, however, may a reply be tind will expire SIX (6) MONTHS from application to become ABANDONI	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).			
Status							
1) ズ	Responsive to communication(s) file	ed on <i>02 April 200</i>	4.				
•	This action is FINAL . 2b)⊠ This action is non-final.						
• —	,—						
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)⊠	Claim(s) 1-44 is/are pending in the	application.					
' - '	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.						
6)⊠	i)⊠ Claim(s) <u>1-44</u> is/are rejected.						
7)	Claim(s) is/are objected to.						
8)[Claim(s) are subject to restri	ction and/or election	n requirement.				
Applicati	on Papers						
9) 🗌 :	The specification is objected to by th	e Examiner.	•				
10)🛛	The drawing(s) filed on <u>02 April 200</u> -	₫ is/are: a)⊠ acce	epted or b) Dobjected to	by the Examiner.			
	Applicant may not request that any obje	ction to the drawing	(s) be held in abeyance. Se	ee 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	nder 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of: 1.⊠ Certified copies of the priority documents have been received.							
	2. Certified copies of the priority	documents have	been received in Applicat	tion No			
	3. Copies of the certified copies	of the priority doc	uments have been receiv	ed in this National Stage			
	application from the Internation	onal Bureau (PCT	Rule 17.2(a)).				
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen	t(s)						
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (I	OTO.048\	4) Interview Summar Paper No(s)/Mail D				
3) 🛛 Inform	e of Draftsperson's Patent Drawing Review (ination Disclosure Statement(s) (PTO-1449 or No(s)/Mail Date 11/01/04.			Patent Application (PTO-152)			

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on April 2, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The prior art non-patent literature document sited on the second sheet of the substitute form for Information Disclosure Statement by Applicant was not received; and therefore, was not considered.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the user". There is insufficient antecedent basis for this limitation in the claim. Claim 12 is rejected for being dependent on the rejected and indefinite claim.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim(s) 1-10, 15-17, 19, 25, 27, 28, 30-35, 37, and 43 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Gogulski (US 4071740).

Re claim 1: Gogulski discloses a shopping receptacle (fig 1 part 22) for receiving and retaining a product item having an interface surface associated therewith, the interface surface having disposed thereon or therein coded data including a plurality of coded data portions, each coded data portion being indicative of an identity of the product item (col 5 lines 27-35), wherein the receptacle comprises:

- (a) a receptacle body adapted to receive and retain the product item and having an opening through which the product item may be placed within the receptacle body (fig 1 part 22);
- (b) a sensing device adapted to sense at least some of the coded data on the interface surface of the product item as the product item is placed within the receptacle body (fig 1 parts 26 & 46), and generate indicating data indicative of the identity of the product item (col 5 lines 27-35 & 51-54, col 5 lines 2-16); and,
- (c) a weighing device for sensing the weight of the product item (figs 1 & 2 part 24), and generating weight data indicative of the sensed weight, the weight data and the product item identity being provided to a computer system (fig 3 part 66) which (col 5 lines 51-59, col 6 lines 24-33):

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(i) determines, using the indicating data, an indicated weight of the product item in accordance with weight indications stored in a data store (col 6 lines 14-16 & 24-33);

- (ii) compares the indicated weight to the sensed weight (col 6 lines 24-33); and,
- (iii) is responsive to the comparison (col 6 lines 33-55).

Re claims 2 and 28: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the computer system generates and the action includes an alert in response to an unequal comparison (col 6 lines 33-55).

Re claim 3: Gogulski discloses the receptacle of claim 1, wherein the receptacle includes a user interface and wherein an indication of the results of the comparison is provided via the user interface (fig 1 parts 12 & 54, col 6 lines 33-55).

Re claims 4 and 31: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the receptacle includes the computer system (fig 1 part 12, col 6 lines 28-33).

Re claims 5 and 32: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the receptacle includes a communications means for communicating with the computer system (col 5 lines 55-59, col 7 lines 23-29).

Re claims 6 and 33: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the computer system and wherein the method includes, in the computer system:

(a) determines, using the indicating data, type data indicative of a type of the product item (col 6 lines 14-16); and,

(b) determines, using the type data, the indicated weight of the product item (col 6 lines 28-33).

Re claim 7: Gogulski discloses the receptacle of claim 1, wherein the sensing device comprises:

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(a) a laser for emitting the at least one sensing beam, the sensing beam being directed in first and second orthogonal directions to thereby generate a raster scan pattern over a sensing patch, the sensing patch being provided in the sensing region such that it exposes at least one coded data

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portion (col 6 lines 4-11);

(b) a sensor for sensing the at least one exposed coded data portion (col 6 lines 12-14); and

(c) a processor for determining, using at least some of the sensed coded data, indicating data

indicative of the identity of the product item (col 6 lines 14-16).

Re claim 8: Gogulski discloses the receptacle of claim 1, wherein the computer system is adapted to:

(a) determine, using the indicating data, product information (col 6 lines 14-16 & 28-33); and,

(b) transfer the product information to a user interface, the user interface being responsive to the

product information to display the product information (col 5 line 50 – col 6 line 1, col 6 lines 20-

24).

Re claim 9: Gogulski discloses the receptacle of claim 8, wherein the computer system is

adapted to, using the indicating data, add an indication of the product item to a product item list

(fig 1 parts 30 & 50, col 5 lines 35-38, col 6 lines 20-24, col 10 lines 5-11).

Re claim 10: Gogulski discloses the receptacle of claim 8, wherein the computer system

is adapted to, using the indicating data, provide the product item list to the user via the user

interface (fig 1 parts 30 & 50, col 5 lines 35-38, col 6 lines 20-24, col 10 lines 5-11).

Re claim 15: Gogulski discloses the receptacle of claim 1, wherein the receptacle is at

least one of:

(a) a shopping trolley;

(b) a shopping cart (fig 1); and,

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(c) a shopping basket.

Re claims 16 and 35: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the receptacle is adapted to perform and the action includes at least one of:

(a) provide product information about the product item to the user (col 5 line 50 – col 6 line 1, col 6 lines 20-24, col 6 lines 28-33);

- (b) record a purchase transaction indicating that the user has purchased the product item;
- (c) record a potential purchase transaction indicating that the user wishes to purchase the product item;
- (d) provide comparison information to the user, the comparison information comparing product information about the product item with product information about another product item;
- (e) play a game associated with the product item; and
- (f) conduct a competition in relation to the product item.

Re claims 17 and 34: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the receptacle is adapted to display and the action includes displaying information relating to any one of the products:

- (a) cost (col 5 line 50 col 6 line 1, col 6 lines 20-24);
- (b) contents;
- (c) weight (col 5 line 50 col 6 line 1, col 6 lines 28-33);
- (d) place of origin;
- (e) manufacturer;
- (9 date of manufacture;
- (g) date of packaging;
- (h) use-by date;

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(i) current owner; and

(j) dimensions.

Re claims 19 and 37: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the coded data distinguishes the product item from every other product item (col 6 lines 14-16).

Re claims 25 and 43: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the interface surface is at least a portion of at least one of:

- (a) product item packaging (col 6 lines 10-11);
- (b) product item labeling (col 5 lines 27-30);
- (c) product manuals;
- (d) product instructions; and,
- (e) a surface of the product item.

Re claim 27: Gogulski discloses a method of facilitating interaction between a user and a computer system using a shopping receptacle adapted to receive and retain a product item (fig 1 part 22), the product item having an interface surface associated therewith, the interface surface having disposed thereon or therein coded data including a plurality of coded data portions, each coded data portion being indicative of the identity of the product item (col 5 lines 27-35), wherein the method includes:

- (a) receiving a product item in a receptacle body, the receptacle body having an opening through which the product item may be placed within the receptacle body (fig 1 part 22);
- (b) in a sensing device (fig 1 parts 26 & 46):
 - (i) sensing at least some of the coded data on the interface surface of the product item as the product item is placed within the receptacle body (col 5 lines 27-35, col 6 lines 2-16); and,

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(ii) determining indicating data indicative of the identity of the product item (col 6 lines 14-16); and,

- (c) in a weighing device (figs 1 & 2 part 24):
 - (i) sensing the weight of the product item (col 6 lines 24-33); and,
 - (ii) generating weight data indicative of the sensed weight, the weight data and the product item identity being provided to a computer system (col 6 lines 14-16 & 24-33) which:
 - (1) determines, using the indicating data, an indicated weight of the product item in accordance with weight indications stored in a data store (col 6 lines 24-33);
 - (2) compares the indicated weight to the sensed weight (col 6 lines 24-33); and,
 - (3) is responsive to the comparison to perform an action (col 6 lines 33-55).

Re claim 30: Gogulski discloses the method of claim 27, wherein the receptacle includes a user interface, and wherein the action includes providing an indication of the results of the comparison via the user interface (col 6 lines 33-55).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claim(s) 11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Collins (US 4929819).

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Re claim 11: Gogulski discloses the receptacle of claim 1.

However, Gogulski does not discloses or fairly suggests that the computer is adapted to:

- (a) associate the sensing device with the user; and,
- (b) dissociate the sensing device and the user.

Collins however discloses that the computer is adapted to:

- (a) associate the sensing device (figs 2-4 & 5A-C part 28) with the user (fig 16A step 104); and,
- (b) dissociate the sensing device (figs 2-4 & 5A-C part 28) and the user (fig 17 steps 166-168).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Collins's teaching that that the computer is adapted to: (a) associate the sensing device with the user; and, (b) dissociate the sensing device and the user to Gogulski's receptacle for the purpose of temporarily providing shoppers with a device that facilitates the shopping process while in the store.

8. Claim(s) 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) as modified by Collins (US 4929819) in view of Ogasawara (US 6386450).

Re claim 12: Gogulski as modified by Collins discloses the receptacle of claim 11.

However, Gogulski as modified by Collins does not disclose or fairly suggest that the computer system is adapted to:

- (a) receive user identity data indicative of an identity of the user,
- (b) determine, using the indicating data, sensing device identity data indicative of an identity of the sensing device; and,
- (c) use the sensing device identity data and the user identity data to associate the receptacle with the user.

Ogasawara however discloses that the computer system is adapted to:

- (a) receive user identity data indicative of an identity of the user (col 10 lines 30-46);
- (b) determine, using the indicating data, sensing device identity data indicative of an identity of the sensing device (col 10 lines 30-46); and,
- (c) use the sensing device identity data and the user identity data to associate the receptacle with the user (col 10 lines 30-46).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Ogasawara's teaching that the computer system is adapted to:

- (a) receive user identity data indicative of an identity of the user;
- (b) determine, using the indicating data, sensing device identity data indicative of an identity of the sensing device; and,
- (c) use the sensing device identity data and the user identity data to associate the receptacle with the user to the receptacle of Gogulski as modified by Collins for the purpose of providing a customized experience to a shopper by tracking past and present transactions and shopping patterns for each shopper.
- 9. Claim(s) 13 and 14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Matsumori (US 6179206) and Ogasawara (US 6386450).

Re claim 13: Gogulski discloses the receptacle of claim 1.

However, Gogulski does not disclose that the user is provided with an identity card, the identity card having disposed thereon or therein or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user, and

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wherein the sensing device is adapted to: (a) sense at least one card coded data portion when the identity card is positioned in the opening; and, (b) generate, using the at least one sensed card coded data portion, indicating data indicative of the identity of the user and the identity of the sensing device.

Matsumori however discloses that the user is provided with an identity card, the identity card having disposed thereon or therein or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user (col 8 lines 13-18, col 11 lines 8-29, col 12 lines 31-34, col 13 lines 44-50), and wherein the sensing device (fig 4 parts 72, 74, & 76) is adapted to: (a) sense at least one card coded data portion when the identity card is positioned in the opening (col 2 lines 38-48); and, (b) generate, using the at least one sensed card coded data portion, indicating data indicative of the identity of the user (col 8 lines 13-18, col 11 lines 8-29, col 12 lines 31-34, col 13 lines 44-50).

In addition, Ogasawara discloses the indicating data indicative of the identity of the sensing device (col 10 lines 30-46).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Matsumori's teaching that that the user is provided with an identity card, the identity card having disposed thereon or therein or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user, and wherein the sensing device is adapted to: (a) sense at least one card coded data portion when the identity card is positioned in the opening; and, (b) generate, using the at least one sensed card coded data portion, indicating data indicative of the identity of the user and Ogasawara's indicating data indicative of the identity of the sensing device to Gogulski's receptacle for the purpose of delivering customized interface and deliver value added

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service to a shopper by tracking user transactions and by providing products location information with respect to the location of the shopper.

Re claim 14: Gogulski as modified by Matsumori and Ogasawara discloses the receptacle of claim 13, wherein the computer system is adapted to:

- (a) receive indicating data from the sensing device (Matsumori: abstract, col 6 lines 4-10, col 7 lines 33-36);
- (b) determine, using the received indicating data, product information (Matsumori: fig 5-7); and,(c) transfer the product information to a user interface responsive to the product information to display the product information to the user (Matsumori: fig 5-7, col 7 lines 36-41).
- 10. Claim(s) 18 and 36 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Reade (US 20040103034).

Re claims 18 and 36: Gogulski discloses the receptacle of claim 1 and the method of claim 27.

However, Gogulski does not disclose or fairly suggests that the coded data is indicative of an EPC associated with the product item.

Reade however discloses the coded data indicative of an EPC associated with the product item (par. 0013, 0039)

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Reade's teaching that the coded data is indicative of an EPC associated with the product item to Gogulski's receptacle and method for the purpose of being able to track the product.

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11. Claim(s) 20, 21, 38 and 39 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Manasse (US 20040117718).

Re claims 20, 21, 38 and 39: Gogulski discloses the receptacle of claim 1 and the method of claim 27.

However, Gogulski does not disclose or fairly suggests that the coded data is redundantly encoded using Reed-Solomon encoding.

Manasse however discloses that the coded data is redundantly encoded using Reed-Solomon encoding (abs., par. 0009, 0002, 0004, 0007-0015, 0019-0022, 0025, 0031, 0063, 0065, 0074).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Manasse's teaching that the coded data is redundantly encoded using Reed-Solomon encoding to Gogulski's receptacle and method for the advantage of using Reed-Solomon codes that the probability of an error remaining in the decoded data is usually lower than the probability of an error if Reed-Solomon is not used.

12. Claim(s) 22-24, 26, 40-42, and 44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Dougherty (US 6076734).

Re claims 22, 23, 40 and 41: Gogulski discloses the receptacle of claim 1 and the method of claim 27.

However, Gogulski does not disclose or fairly suggests that the coded data is substantially invisible to the unaided eye and wherein the coded data is printed using infrared ink.

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Dougherty however discloses that the coded data is substantially invisible to the unaided eye (col 5 lines 32-40, col 9 lines 33-36) and wherein the coded data is printed using infrared ink (col 2 lines 59-64, col 4 lines 18-23, col 5 lines 32-58, col 10 lines 39-45).

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Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Dougherty's teaching that the coded data is substantially invisible to the unaided eye and wherein the coded data is printed using infrared ink to Gogulski's receptacle and method for the purpose of ensuring that the coded data is protected from unauthorized reading.

Re claims 24 and 42: Gogulski discloses the receptacle of claim 1 and the method of claim 27, wherein the coded data is provided on the interface surface representing at least one of:

(a) product information; and,

(b) the identity of the product item (col 1 lines 22-57, col 5 line 3 – col 6 line 55).

However, Gogulski does not disclose or fairly suggests the visible markings coincident with coded data provided on the interface surface.

Dougherty however discloses the visible markings coincident with coded data provided on the interface surface (fig 1 parts 32 & 34, col 2 lines 43-58, col 5 lines 48-62).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Dougherty's visible markings coincident with coded data provided on the interface surface to Gogulski's receptacle and method for the purpose of providing visual information about the encoded data.

Re claims 26 and 44: Gogulski discloses the receptacle of claim 1 and the method of claim 27.

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However, Gogulski does not disclose or fairly suggests that the coded data is disposed over at least one of:

- (a) substantially all of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label;
- (b) more than 25% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label;
- (c) more than 50% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label;
- (d) more than 75% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label.

Dougherty however discloses that the coded data (fig 10 parts 358, 360, & 362) is disposed over at least one of:

- (a) substantially all of any one of:
 - (i) an entire product surface (fig 10 part 352, col 11 25-43);
 - (ii) packaging; and,

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- (iii) a product label;
- (b) more than 25% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label;
- (c) more than 50% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label;
- (d) more than 75% of any one of:
 - (i) an entire product surface;
 - (ii) packaging; and,
 - (iii) a product label.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Dougherty's teaching that the coded data is disposed over substantially an entire product surface to Gogulski's receptacle and method for the purpose of increasing the volume of information content of the coded data.

13. Claim(s) 29 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US 4071740) in view of Schlieffers (US 20040111320).

Re claim 29: Gogulski discloses the method of claim 28.

However, Gogulski does not disclose or fairly suggests that the method includes providing the alert at a location remote to the receptacle.

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Schlieffers however discloses that the method includes providing the alert at a location remote to the receptacle (par. 0066).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate Schlieffers' teaching that the method includes providing the alert at a location remote to the receptacle to Gogulski's method for the purpose of informing the control persons remotely located.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae W. Kim whose telephone number is (571)272-5971. The examiner can normally be reached on Mon-Fri 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571)272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tae W. Kim Art Unit 2876 Patent Examiner TWK

